



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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SACHI A. HAMAI  
Chief Executive Officer

August 15, 2016

Board of Supervisors  
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Second District

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Third District

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To: Supervisor Hilda L. Solis, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Sheila Kuehl  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: Sachi A. Hamai   
Chief Executive Officer

**MOTION TO SEND A FIVE-SIGNATURE LETTER TO THE STATE LEGISLATIVE LEADERSHIP AND THE GOVERNOR TO REAFFIRM THE BOARD'S STRONG SUPPORT OF SB 1322 (MITCHELL); AND DIRECT THE COUNTY'S SACRAMENTO ADVOCATES TO CLOSELY MONITOR AB 1771 (O'DONNELL) AND REPORT BACK TO THE BOARD ON POTENTIAL AMENDMENTS TO THE BILL (ITEM NO. 3, SUPPLEMENTAL AGENDA OF AUGUST 16, 2016)**

Item No. 3 on the August 16, 2016 Supplemental Agenda is a revised motion by Supervisors Knabe and Ridley-Thomas to move that the Board of Supervisors: 1) send a five-signature letter to the State Legislative Leadership and the Governor to reaffirm the Board's strong support of SB 1322 (Mitchell); and 2) direct the County's Sacramento advocates to closely monitor AB 1771 (O'Donnell) and report back to the Board on the amendments and whether they materially affect the penalty aspects of the bill.

## **SB 1322 (Mitchell) – Trafficking of Minors**

**County-supported SB 1322 (Mitchell)**, which as amended on August 4, 2016, would: 1) make a child under the age of 18 exempt from provisions that declare it a crime to solicit or engage in any act of prostitution; and 2) authorize peace officers to take the commercially sexually exploited child into temporary custody and report the suspected abuse or neglect of the minor to the county child welfare agency.

Under existing law, it is a crime for anyone, irrespective of age, to engage in any act of prostitution. In addition, current law authorizes peace officers to take into temporary custody a minor when there is a reasonable belief that the minor is in immediate physical danger, including potential sexual abuse. When a parent or guardian is unavailable or unable to assume custody, current law requires peace officers to notify the county welfare department to assume custody of the child.

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The Department of Children and Family Services (DCFS) supports SB 1322, noting that it is aligned with the County's current efforts, including the Law Enforcement First Responder Protocol (FRP) for Commercially Sexually Exploited Children (CSEC) pilot in which law enforcement no longer arrests victims, but brings them to the child welfare system where their trauma and safety issues can be addressed. According to DCFS, based on its early success, the County plans on rolling out FRP throughout the entire County by the end of 2017.

Consistent with: 1) the Board-approved motion of October 20, 2015, to encourage that no victim of child sex trafficking identified by the Los Angeles County Sheriff's Department be arrested for prostitution or a related offense, or held in any facility that is used for the detention of criminal or juvenile offenders; and 2) existing Board-approved policy to support proposals that develop or enhance programs and services, and increase protections for victims of commercial sexual exploitation, on June 1, 2016 the County took a support position on SB 1322.

The Office of the District Attorney (DA) has an oppose position on SB 1322, indicating that while well intended, the measure would prohibit law enforcement from taking a juvenile engaged in an act of prostitution into custody and referring the juvenile to a delinquency court. The DA notes that while their office recognizes that these juveniles are victims and must be provided all of the protections, resources and programming that are available to them, the reality is that for many of these victims, the California's dependency system does not provide a better alternative. The DA indicates that social services facilities are not secure, thereby allowing these minors to walk away and return to the very people who are sexually exploiting them in the first place.

SB 1322 is supported by: American Civil Liberties Union of California; California Attorneys for Criminal Justice; Child Abuse Prevention Center; Children Now; Coalition to Abolish Slavery and Trafficking; County Welfare Directors Association of California; National Association of Social Workers; National Center for Youth Law; and over 20 other organizations. It is opposed by: California District Attorneys Association; California State Sheriffs' Association; Los Angeles County District Attorney's Office; Sacramento County District Attorney's Office; and San Diego County District Attorney's Office.

SB 1322 is currently pending on the Assembly Floor.

#### **AB 1771 (O'Donnell) – Penalties for Directing Individuals into the Sex Trade**

**County-supported AB 1771 (O'Donnell)**, which as amended on August 2, 2016, would: 1) increase the maximum penalty of imprisonment from 6 months to one year in a county jail for persons convicted of directing and/or recruiting individuals into the sex trade; and 2) allow a juvenile court to dismiss charges against a minor who is alleged to have supervised or aided individuals in the sex trade, if done so under coercion or duress.

Under current law, individuals convicted of directing and/or recruiting individuals into the sex trade are guilty of a misdemeanor punishable by imprisonment in a county jail for no more than six months, by a fine not exceeding \$1,000, or by both.

According to the author, while convictions officially classified as pimping and human trafficking are subject to felony prosecution, this charge is only applied on relatively few occasions because human trafficking victims fear retaliation. In cases where victims do not provide statements against the trafficker, only the misdemeanor charge of "supervising a prostitute" can be filed. AB 1771 would give the courts discretion to impose a longer sentence, when justified.

On March 8, 2016, the Board approved a motion by Supervisor Knabe to instruct the Sacramento advocates to support AB 1771, legislation that would increase the punishment of those convicted of pimping and other crimes related to human trafficking.

On August 11, 2016, AB 1771 passed the Senate Appropriations Committee by a vote of 7 to 0, with committee amendments to remove the enhanced penalty provisions in the bill. The measure now proceeds to the Senate Floor. These amendments were made without the author's knowledge and are not yet in print. The Sacramento advocates are closely monitoring AB 1771, and will report back to the Board on the amendments once they are in print and whether they materially affect the penalty aspects of the bill.

This measure, as amended on August 2, 2016, is supported by: California District Attorneys Association; California Statewide Law Enforcement Association; City of Long Beach; Long Beach Human Trafficking Task Force; and National Council of Jewish Women Long Beach; among others. It is opposed by: American Civil Liberties Union; California Attorneys for Criminal Justice; California Public Defenders Association; and Legal Services for Prisoners with Children.

### **Conclusion**

**Approval of this motion to send a five-signature letter to the State Legislative Leadership and the Governor to reaffirm the Board's strong support of County-supported SB 1322 (Mitchell) is consistent with: 1) the Board-approved motion of October 20, 2015, to encourage that no victim of child sex trafficking identified by the Los Angeles County Sheriff's Department be arrested for prostitution or a related offense, or held in any facility that is used for the detention of criminal or juvenile offenders; and 2) existing Board-approved policy to support proposals that develop or enhance programs and services, and increase protections for victims of commercial sexual exploitation.**

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In addition, the Sacramento advocates are closely monitoring County-supported AB 1771 (O'Donnell), and will report back to the Board on the recent amendments once they are in print and whether they materially affect the penalty aspects of the bill.

We will continue to keep you advised.

SAH:JJ:MR  
OR:PC:lm

c: Executive Office, Board of Supervisors  
County Counsel